

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DONNA DAWN KONITZER,
also known as Scott Konitzer,

Plaintiff,

v.

Case No. 03-C-717

MATTHEW J. FRANK, TOM MICHLOWSKI,
MARIO CANZIANI, SHARON ZUNKER,
TOM SPEECH, DR. DAVID BURNETT,
and BRYAN BARTOW,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT (DOC. #155)**

In this case, the defendants are seeking partial summary judgment and a finding that as a matter of law they have not violated the plaintiff's Eighth Amendment rights by failing to provide care to the plaintiff in accordance with thirteen recommendations by several experts for the purpose of relieving the plaintiff's serious medical condition, Gender Identity Disorder. After careful consideration, the defendants' motion will be granted in part and denied in part. Thus, the plaintiff may proceed on all of his requests for injunctive relief except the request that the defendants be directed to utilize only female correctional officers when conducting non-medical strip searches of the plaintiff, as there are genuine issues of material fact which preclude summary judgment. A memorandum decision shall be issued forthwith. Now, therefore,

IT IS ORDERED the defendants' motion for partial summary judgment (Docket # 155) is **GRANTED IN PART AND DENIED IN PART.**

IT IS FURTHER ORDERED that plaintiff's request that only female correctional officers conduct any future strip searches of the plaintiff is **DENIED**.

Dated at Milwaukee, Wisconsin, this 31st day of March, 2010.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
Chief U.S. District Judge